

By

Mike

S.B. No. 738

A BILL TO BE ENTITLED

AN ACT

relating to insurance coverage for the services of certain audiologists and fitters and dispensers of hearing aids.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 1 and 3, Article 21.52, Insurance Code, are amended to read as follows:

Sec. 1. DEFINITIONS. As used in this article:

(a) "health insurance policy" means any individual, group, blanket, or franchise insurance policy, insurance agreement, or group hospital service contract, providing benefits for medical or surgical expenses incurred as a result of an accident or sickness;

(b) "doctor of podiatric medicine" includes D.P.M., podiatrist, doctor of surgical chiropody, D.S.C. and chiropodist;

(c) "doctor of optometry" includes optometrist, doctor of optometry, and O.D.;

(d) "doctor of chiropractic" means a person who is licensed by the Texas Board of Chiropractic Examiners to practice chiropractic;

(e) "licensed dentist" means a person who is licensed to practice dentistry by the State Board of Dental Examiners;

(f) "audiologist" means a person who has received a master's or doctorate degree in audiology from an accredited college or university and is certified by the American Speech-language and Hearing Association, or a person who is licensed by the State

1 Committee of Examiners for Speech-Language Pathology and Audiology;

2 [~~and~~]

3 (g) "speech-language pathologist" means a person who has  
4 received a master's or doctorate degree in speech-language  
5 pathology from an accredited college or university and is certified  
6 by the American Speech-language and Hearing Association to restore  
7 speech loss or correct a speech impairment, or a person who is  
8 licensed by the State Committee of Examiners for Speech-Language  
9 Pathology and Audiology; and

10 (h) "hearing aid fitter and dispenser" means a person who is  
11 licensed by the Texas Board of Examiners in the Fitting and  
12 Dispensing of Hearing Aids and who is certified by the National  
13 Board for Certification in Hearing Instrument Sciences or by the  
14 American Conference of Audioprosthology.

15 Sec. 3. SELECTION OF PRACTITIONERS. Any person who is  
16 issued, who is a party to, or who is a beneficiary under any health  
17 insurance policy delivered, renewed, or issued for delivery in this  
18 state by any insurance company, association, or organization to  
19 which this article applies may select a licensed doctor of  
20 podiatric medicine, a licensed dentist, or a doctor of chiropractic  
21 to perform the medical or surgical services or procedures scheduled  
22 in the policy which fall within the scope of the license of that  
23 practitioner, a licensed doctor of optometry to perform the  
24 services or procedures scheduled in the policy which fall within  
25 the scope of the license of that doctor of optometry, a licensed  
26 [~~an~~] audiologist to measure hearing for the purpose of determining  
27 the presence or extent of a hearing loss and to provide aural

1 rehabilitation services to a person with a hearing loss if those  
2 services or procedures are scheduled in the policy, a licensed  
3 hearing aid fitter and dispenser to measure human hearing through  
4 the use of an audiometer or through other procedures common to  
5 otological or audiological assessment of hearing acuity to  
6 ascertain the existence or degree of a hearing loss, and to provide  
7 corrective hearing services to a person with a hearing loss through  
8 the selection, adaptation, or training in the use of amplification  
9 if those services or procedures are scheduled in the policy, or a  
10 licensed speech-language pathologist to evaluate speech and  
11 language and to provide habilitative and rehabilitative services to  
12 restore speech or language loss or to correct a speech or language  
13 impairment if those services or procedures are scheduled in the  
14 policy. The payment or reimbursement by the insurance company,  
15 association, or organization for those services or procedures in  
16 accordance with the payment schedule or the payment provisions in  
17 the policy shall not be denied because the same were performed by a  
18 licensed doctor of podiatric medicine, a licensed doctor of  
19 optometry, a licensed doctor of chiropractic, a licensed dentist, a  
20 licensed [an] audiologist, a licensed hearing aid fitter and  
21 dispenser, or a licensed speech-language pathologist. There shall  
22 not be any classification, differentiation, or other discrimination  
23 in the payment schedule or the payment provisions in a health  
24 insurance policy, nor in the amount or manner of payment or  
25 reimbursement thereunder, between scheduled services or procedures  
26 when performed by a doctor of podiatric medicine, a doctor of  
27 optometry, a doctor of chiropractic, a licensed dentist, a licensed

1     [an] audiologist, a licensed hearing aid fitter and dispenser, or a  
2     licensed speech-language pathologist which fall within the scope of  
3     his license or certification and the same services or procedures  
4     when performed by any other practitioner of the healing arts whose  
5     services or procedures are covered by the policy. Any provision in  
6     a health insurance policy contrary to or in conflict with the  
7     provisions of this article shall, to the extent of the conflict, be  
8     void, but such invalidity shall not affect the validity of the  
9     other provisions of this policy. Any presently approved policy  
10    form containing any provision in conflict with the requirements of  
11    this Act shall be brought into compliance with this Act by the use  
12    of riders and endorsements which have been approved by the State  
13    Board of Insurance or by the filing of new or revised policy forms  
14    for approval by the State Board of Insurance.

15           SECTION 2.     This Act applies only to health insurance  
16    policies delivered, renewed, or issued on or after January 1, 1988.

17           SECTION 3.     This Act takes effect September 1, 1987.

18           SECTION 4.     The importance of this legislation and the  
19    crowded condition of the calendars in both houses create an  
20    emergency and an imperative public necessity that the  
21    constitutional rule requiring bills to be read on three several  
22    days in each house be suspended, and this rule is hereby suspended.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

March 26, 1987

TO: Honorable Chet Brooks, Chairman  
Committee on Health and Human Services  
Senate Chamber  
Austin, Texas

In Re: Senate Bill No. 738  
By: Uribe

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Bill No. 738 (relating to insurance coverage for the services of certain audiologists and fitters and dispensers of hearing aids) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Source: Board of Examiners in the Fitting and Dispensing of Hearing Aids;  
LBB Staff: JO, HES, JWH, ML, MC

MAR 30 8 42 AM '87  
RECEIVED  
SECRETARY OF SENATE

S. B. No. 738

By URIBE

Relating to insurance coverage for the services of certain audiologists and fitters and dispensers of hearing aids.

3-6-87  
MAR 9 1987

Filed with the Secretary of the Senate

Read and referred to Committee on HEALTH AND HUMAN SERVICES

Reported favorably \_\_\_\_\_

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

Read second time, \_\_\_\_\_, and ordered engrossed by: { unanimous consent  
a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

Caption ordered amended to conform to the body of the bill.

Senate and Constitutional 3 Day Rule suspended by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

Read third time, \_\_\_\_\_, and passed by \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_  
SECRETARY OF THE SENATE

OTHER ACTION:

\_\_\_\_\_  
Engrossed

\_\_\_\_\_  
Sent to House

Engrossing Clerk

\_\_\_\_\_  
Received from the Senate

\_\_\_\_\_  
Read first time and referred to Committee on \_\_\_\_\_

\_\_\_\_\_  
Reported favorably amended, sent to Printer at \_\_\_\_\_

\_\_\_\_\_  
Printed and Distributed \_\_\_\_\_

\_\_\_\_\_  
Sent to Committee on Calendars \_\_\_\_\_

\_\_\_\_\_  
Read Second time (amended): passed to third reading (failed)

by (Non-Record Vote) Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays \_\_\_\_\_ present not voting.

\_\_\_\_\_  
Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays \_\_\_\_\_ present not voting.

\_\_\_\_\_  
Read third time (amended); finally passed (failed) by a (Non-Record Vote) Record-Vote of  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays \_\_\_\_\_ present not voting.

\_\_\_\_\_  
Caption ordered amended to conform to body of bill.

\_\_\_\_\_  
Returned to Senate.

\_\_\_\_\_  
CHIEF CLERK OF THE HOUSE

\_\_\_\_\_  
Returned from House without amendment.

\_\_\_\_\_  
Returned from House with \_\_\_\_\_ amendments.

\_\_\_\_\_  
Concurred in House amendments by a viva voce vote \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

\_\_\_\_\_ Senate conferees instructed.

\_\_\_\_\_ Senate conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_

\_\_\_\_\_ House granted Senate request. House conferees appointed: \_\_\_\_\_, Chairman;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ Conference Committee Report read and filed with the Secretary of the Senate.

\_\_\_\_\_ Conference Committee Report adopted on the part of the House by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

\_\_\_\_\_ Conference Committee Report adopted on the part of the Senate by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

**OTHER ACTION:**

\_\_\_\_\_ Recommitted to Conference Committee

\_\_\_\_\_ Conferees discharged

\_\_\_\_\_ Conference Committee Report failed of adoption by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays